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2014-1984

STATE PROCUREMENT OFFICE  
NOTICE OF REQUEST FOR EXEMPTION  
FROM HRS CHAPTER 103D

ADMINISTRATION  
STATE PROCUREMENT OFFICE  
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Public Safety  
Name of Requesting Department

Pursuant to HRS § 103D-102(b)(4) and HAR chapter 3-120, the Department requests a procurement exemption for the following:

1. Describe the goods, services or construction:

See attached.

2. Vendor/Contractor/Service Provider: Herbert Gupton, Ph.D.

3. Amount of Request:

\$ ~~\$127,750.00~~ 130,598 DA 11/23

4. Term of Contract From: 11/1/2014 To: 10/31/2015 5. Prior SPO-007, Procurement Exemption (PE): None.

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

See attached.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

See attached.

8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required).

\*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Agency	Phone Number	e-mail address
Martha Torney, Deputy Director <i>MTT*</i>	Public Safety/Administration	587-1251	martha.t.torney@hawaii.gov
Marc Yamamoto <i>mbc</i>	PSD/ Procurement & Contracts	587-1215	marc.s.yamamoto@hawaii.gov

*All requirements/approvals and internal controls for this expenditure is the responsibility of the department. I certify that the information provided above is, to the best of my knowledge, true and correct.*

Department Head Signature

10/8/14  
Date

### For Chief Procurement Officer Use Only

Date Notice Posted: 10/10/14

Inquiries about this request shall be directed to the contact named in No. 8. Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

[state.procurement.office@hawaii.gov](mailto:state.procurement.office@hawaii.gov)

Chief Procurement Officer (CPO) Comments:

Approval is granted for the period 11/1/2014 – 10/31/15, with the understanding that the department has determined that it is in the best interest of the State to use the services of a Hawaii-based psychologist to conduct pre-employment psychological testing and interviews for Deputy Sherriff and Adult Correction Officer applicants.

This approval is for the solicitation process only. Pursuant to HRS section 103D-310(c) and HAR section 3-122-112, the procuring officer shall verify compliance (i.e. vendor is required to be compliant on the Hawaii Compliance Express) for all contracts awarded and award is required to be posted on the Awards Reporting System. Copies of the HCE certificate and awards posting are required to be documented into the procurement/contract file.

If there are any questions, please contact Bonnie Kahakui at 587-4702, or [bonnie.a.kahakui@hawaii.gov](mailto:bonnie.a.kahakui@hawaii.gov).

☒ Approved

☐ Disapproved

☐ No Action Required

Chief Procurement Officer Signature

11/14/14  
Date

**DEPARTMENT OF PUBLIC SAFETY  
ATTACHMENT TO  
NOTICE OF REQUEST FOR EXEMPTION  
FROM HRS CHAPTER 103D**

***Item 1. Describe the good, services or construction:***

The Department of Public Safety (PSD) is requesting an exemption in order to secure the services of a Hawaii-based American Board of Professional Psychology (ABPP) board-certified specialized psychologist to conduct pre-employment psychological testing and interviews for Deputy Sheriff and Adult Correctional Officer applicants.

PSD is responsible for identifying qualified and suitable applicants for uniformed officer positions who possess qualities that are difficult to measure, such as integrity, decision-making ability, and judgment. To this end, new pre-employment screening practices have been identified and are being phased into the recruitment process. Written civil service exams have been re-introduced and web-based assessments that measure attitudes, values and beliefs are now employed as part of the vetting process.

It is common practice among law enforcement and correctional agencies to employ psychological testing and interviews as an important element of the hiring process. Specific assessment tests have been developed for those working in positions of authority in the criminal justice system.

The purpose of this request for exemption is to secure the professional services of a Hawaii-licensed clinical or counselling psychologist who is ABPP board-certified in Police and Public Safety Psychology to conduct pre-employment suitability screening and psychological evaluations of Deputy Sheriff and Adult Correctional Officer applicants. Services include the administration and interpretation of specified standardized psychological screening and assessment instruments, interviews with applicants, and the production of reports of screening and evaluation results. The screening and evaluation occurs at two distinct phases of the hiring process: 1) pre-conditional offer, which requires the review of standardized screening instruments to determine if the applicant is suitable for further consideration; and 2) post-conditional offer, which requires the review of psychological assessments and tests to include a face-to-face interview with the applicant. Both phases require written reports be submitted to PSD with conclusions and recommendations as to suitability for employment as a uniformed officer.

**Item 6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:**

The Department considered the level of professional services required, related costs and timeliness of service delivery in determining if it was appropriate to request an exemption. Contracting with a Mainland-based psychologist(s) who would incur travel expenses would increase the cost of services by approximately 19%

Professional Services: Why Board Certification is recommended

ABPP board certification in the area of Police and Public Safety Psychology was introduced in 2011. PSD staff researched the value of engaging the services of a board certified professional rather than a licensed psychologist whose general specialization is in assessment and testing. In August 2011, the International Association of Chiefs of Police (IACP) monthly magazine included an article entitled *Assessing the Psychological Suitability of Candidates for Law Enforcement Positions*. The article, written about the time board-certification became available, introduced the newly adopted IACP pre-employment evaluation guidelines that describe a set of principles and recommended procedures for conducting these assessments. Included in the article is a discussion concerning the qualifications of those who conduct the suitability assessments.

The Guidelines note that the examining psychologists must be doctoral-level, licensed psychologists who have expertise in clinical assessment and in the measurement of personality in public safety and security personnel. Because there is considerable research literature on this topic as well as extensive statutory and case law governing pre-employment evaluations of public safety employees, examining psychologists need to become and remain knowledgeable in these areas. [The Police Chief, vol. LXXVIII, no. 8, August 2011.]

Based on an internet review, staff contacted three jurisdictions that include pre-employment psychological testing in its hiring process: the Virginia Beach Police Department, the Southington (Connecticut) Department of Police, and the federal Bureau of Prisons. All three utilize the services of professionals who are board certified in Police and Public Safety Psychology.

Cost Analysis (see attached table)

A review of the ABPP website reveals there are four psychologists who are board certified in Police and Public Safety Psychology and licensed to practice in Hawaii, but only one of whom lives and works in the State of Hawaii. The scope of work being proposed includes the need for the professional to be located in the State for extended periods to conduct interviews with applicants and write reports subsequent to the interviews. It is important to note that the reports must be written within a short time after the interview is conducted, as memory may fade. Therefore, it is not feasible to assume interviews could be conducted in Hawaii, with the evaluation reports written once a professional returns to his/her Mainland office.

There are costs associated with administering the tests, which do not require the presence of a professional and allow results to be reviewed remotely. Costs of tests are determined by the company that owns the copyright, not the professional who is reviewing the results. Pre-conditional offer test reviews and subsequent reports do not require presence in Hawaii.

It is estimated that 350 applicants per year will be subjected to pre-offer assessments and tests, at a cost of \$12,180 per year. Professional evaluation of the tests results are estimated at \$125/test and \$43,750/year ( $\$125 \times 350$ ).

The post-conditional offer requires the review of more complex standardized and specialized psychological tests and includes a face-to-face interview. It is anticipated that 200 in-depth testing and interviews will be conducted per year. Again, the test costs are set by the copyright owner, at a cost of \$10,988 per year. Conducting the interview and writing the report is estimated at \$420/interview, for a total of \$84,000/year ( $\$420 \times 200$ ). It is estimated the interview and report writing will average two hours per applicant, for a total of 400 professional hours per year. Given the number of interviews and the estimated time

Travel costs included in the attached table were estimated as follows:

- Two round-trip airfares from the Mainland at \$1,000/ trip, to include luggage.
- Six round-trip airfares to Neighbor Islands, to include luggage.
- 56 days of car rental, to include gas and hotel parking.
- 56 days of average federal per diem rate of \$300/day (ranges from \$288/day on Oahu to \$446/day on Kauai)

***Item 7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider.***

The Department is requesting the services of Herbert Gupton, Ph.D., police psychologist for the Honolulu Police Department (HPD). Dr. Gupton is the only ABPP Police and Public Safety Psychology board certified psychologist licensed to practice in Hawaii who lives and works locally, precluding the need for additional travel-related expenses. Besides his full time employment with the City and County of Honolulu, Dr. Gupton has a private practice where he specializes in forensic evaluation, post-traumatic stress disorder, anger management, anxiety/panic disorders, etc.

Dr. Gupton provided the Department with considerable guidance in selecting appropriate pre-employment psychological assessments and tests for Deputy Sheriff and Adult Correctional Officer applicants, along with recommending the two-phase approach to reduce the pool of candidates subjected to more intense (and expensive) scrutiny.

Dr. Gupton has established a network of local psychologists who, under his direct supervision, assist in analyzing the results of the HPD applicant psychological assessments and tests, writing reports and conducting interviews. Dr. Gupton reviews all written reports and conducts several of the interviews himself.

Mainland-based professionals would 1) incur considerable costs for travel-related expenses and 2) require greater time to conduct interviews as they could not rely on the professional network of local psychologists to assist.

As Dr. Gupton is a full-time employee of the City and County of Honolulu, he was requested to get approval from HPD to enter into a contract with the State of Hawaii. His immediate supervisor, Assistant Chief Mark Nakagawa, noted no concerns and advised Dr. Gupton to submit a request to HPD's Human Resources Division. Major Cary Okimoto, head of the Human Resources Division, conferred with the Honolulu Ethics Commission which determined there was no conflict.